

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
6

7 CHRISTOPHER J. WILLING,

8 Plaintiff,

9 v.

10 DEPUTY ARMS et al.,

11 Defendants.
12

Case No. 2:14-cv-1122-APG-PAL

Order

13 **I. DISCUSSION**

14 On September 23, 2014, this Court entered a screening order dismissing a
15 portion of Plaintiff's deliberate indifference claim with leave to amend and permitted a
16 portion of the deliberate indifference claim to proceed. (Dkt. #5 at 8). The Court
17 granted Plaintiff 30 days to amend his complaint. (*Id.*) The Court also granted Plaintiff's
18 application to proceed *in forma pauperis*. (*Id.*)

19 On October 1, 2014, Plaintiff filed a motion for preliminary injunction. (Dkt. #8).
20 Plaintiff alleged that he needed surgery for his collar bone and for a tumor mass on his
21 back but Defendants had denied surgery. (*Id.* at 2). Plaintiff attached medical
22 assessments from doctors and Defendants' denial of surgery. (*Id.* at 3-6). Defendants
23 denied surgery because the documentation did not include "written verification from a
24 doctor stating that medical request is medically necessary and why." (*Id.* at 6).

25 On October 7, 2014, this Court issued an order denying Plaintiff's motion for
26 preliminary injunction. (Dkt. #10 at 2). The Court found that the medical reports
27 demonstrated that a doctor was going to refer Plaintiff to general surgery for further
28 evaluation and not that he needed surgery. (*Id.*) The Court found that Plaintiff could not

1 demonstrate that he was likely to suffer irreparable harm in the absence of preliminary
2 relief. (*Id.*)

3 On October 14, 2014, Plaintiff filed a notice of appeal as to the denial of the
4 motion for preliminary injunction. (*Id.*) On October 16, 2014, the Ninth Circuit Court of
5 Appeals issued a referral notice to this Court to determine whether Plaintiff's *in forma*
6 *pauperis* status should continue for the appeal. The Court now certifies that any *in*
7 *forma pauperis* appeal from that order would be taken "in good faith" pursuant to 28
8 U.S.C. § 1915(a)(3).

9 **II. CONCLUSION**

10 For the foregoing reasons,

11 **IT IS ORDERED** that this Court certifies that any *in forma pauperis* appeal from
12 this Court's October 7, 2014, order would be taken "in good faith" pursuant to 28 U.S.C.
13 § 1915(a)(3).

14
15 DATED this 17th day of October, 2014.

16 
17 _____
United States District Judge